

DAB IEW  
PATENT

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to MAIL STOP PETITIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Sept. 11, 2006  
Date

Joanne Bourguignon  
Joanne Bourguignon

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Mark E. Phillips et al.  
Application No. : 09/975,749  
Filed : October 10, 2001  
For : SYSTEM AND METHOD FOR DATA TRANSFER  
OPTIMIZATION IN A PORTABLE AUDIO DEVICE  
Examiner : Daniel R. Sellers  
Art Unit : 2681  
Docket No. : 35073.002 (new)  
Date : September 11, 2006

**MAIL STOP PETITIONS  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450**

RESPONSE TO DECISION ON PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(b)

Sir:

In response to the decision On Petition sent from the Office of Petitions on August 31, 2006, Applicant's representative notes the Revocation and Substitute Power of Attorney submitted with the Petition on May 9, 2006, was not accepted. Applicant's representative contacted the Petitions Office on September 6, 2006, and was advised that a copy of the Assignment document that was originally filed with the Petition to Revive and Revocation and Substitute Power of Attorney was not made part of the original record. Therefore, please find enclosed a copy of the Revocation and Substitute Power of Attorney and the Assignment document that shows the link between Interactive Objects and Fullplay Media Systems Inc. Also attached is a copy of the Assignment Recordation that confirms the

Assignment document was originally filed on May 9, 2006. Applicant's representative now believes that everything is in order and the Revocation and Substitute Power of Attorney should be accepted.

Applicant believes that no additional fee is due. But, if at anytime during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account No. 50-2976 pursuant to 37 CFR 1.25. Additionally, please charge any fees to Deposit Account No. 50-2976 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. This notice is being submitted in duplicate.

Respectfully submitted,

Mark E. Phillips et al.

*Olympic Patent Works PLLC*

  
\_\_\_\_\_  
Robert W. Bergstrom  
Registration No. 39,906

Enclosures:

Postcard

Copy of originally filed Revocation and Substitute Power of Attorney

Copy of originally filed Assignment

Copy of original Assignment Recordation

Olympic Patent Works PLLC  
P.O. Box 4277  
Seattle, WA 98194-0277  
206.621.1933 telephone  
206.621.5302 fax

**COPY**



PATENT

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*S-4DL*  
Date

*Joanne Bourguignon*  
Joanne Bourguignon

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Mark E. Phillips et al.  
Application No. : 09/975,749  
Filed : October 10, 2001  
For : SYSTEM AND METHOD FOR DATA TRANSFER  
OPTIMIZATION IN A PORTABLE AUDIO DEVICE  
Examiner : Daniel R. Sellers  
Art Unit : 2681  
Docket No. : 35053-007 (new) *35073.002*  
Date : April 29, 2006

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REVOCATION AND SUBSTITUTE POWER OF ATTORNEY

Sir:

In the matter of the above-identified application, I, Mark E. Phillips, declare that I am the Owner of the above-identified patent application. Documentary evidence of chain of title from the original owner FULLPLAY MEDIA SYSTEMS to MARK E. PHILLIPS has been filed with the United States Patent Office. The evidentiary documents referred to in the instant Revocation and Power of Attorney have been reviewed by the undersigned; and it is certified that, to the best of MARK E. PHILLIPS' knowledge and belief, title is in MARK E. PHILLIPS. I hereby revoke all power of attorney heretofore given and hereby appoint ROBERT W. BERGSTROM, Registration No. 39,906; PATRICK R. TURNER, Registration No. 49,050, and RICHARD L. BELL, Registration No. 54,614 comprising the firm of OLYMPIC PATENT WORKS PLLC, 401 Second Ave. South, Suite 750, P.O. Box 4277, Seattle, Washington 98194-0277 as the principal attorneys with full

power of substitution, association, and revocation to prosecute said application, to transact all business in the Patent and Trademark Office connected therewith, and to receive the letters patent therefor. Please direct all future correspondence to:

ROBERT W. BERGSTROM  
OLYMPIC PATENT WORKS PLLC  
P.O. Box 4277  
Seattle, Washington 98194-0277

and direct all telephone calls to at (206) 621-1933 and telecopies to (206) 622-5302.  
Please associate Olympic Patent Works Customer Number 34395 with this case.

MARK E. PHILLIPS

May 1, 2006 Mark Phillips  
Date Mark E. Phillips

**PATENTS ONLY****COPY**

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original document or copy thereof.

## 1. Name of conveying party:

- 1) FULLPLAY MEDIA SYSTEMS, INC.  
 2)  
 3)  
 4)  
 5)  
 6)



## 2. Name and address of receiving party:

Name: Mark E. PhillipsInternal Address: Suite 1100Street Address: 720 – 3rd AveCity: SEATTLE State WAZip: 98104Additional names & addresses attached? Yes  NoAdditional names of conveying parties attached? Yes  No

## 3. Nature of conveyance:

- Assignment  Merger  
 Security Agreement  Change of Name  
 Other Bill of Sale

## Execution Dates:

- 1) MARCH 3, 2006 4)  
 2) \_\_\_\_\_ 5)  
 3) \_\_\_\_\_ 6)

## 4. Application number(s) or registration number(s):

If this document is being filed together with a new application,  
the execution date of the application is \_\_\_\_\_.

## A. Patent Application Nos.

09/975,749

## B. Patent No.

Additional numbers attached? Yes  No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: OLYMPIC PATENT WORKS PLLCInternal Address: ROBERT W. BERGSTROMSUITE 750Street Address: 401 SECOND AVE. SOUTHCity: SEATTLE State: WA ZIP: 981046. Total number of applications and patents involved.....17. Total Fee (37 CFR 3.41): .....\$40 Enclosed Authorized to be charged to deposit account

8. Deposit account number:

50-2976

DO NOT USE THIS SPACE

## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*ROBERT W. BERGSTROM  
Name of Person Signing

Signature

MAY 4, 2006

Date

Total number of pages including cover sheet, attachments, and document: 4

**BILL OF SALE**

This Bill of Sale (this "*Bill of Sale*") is executed and delivered by Mark E. Phillips ("Purchaser") and Rich Barber, as Plan Representative for Fullplay Media Systems, Inc. (formerly Interactive Objects) the debtor and debtor in possession in Bankruptcy Case No. 03-13592 pending in the United States Bankruptcy Court for Western District of Washington (the "Seller").

NOW, THEREFORE, the parties hereby agree as follows:

1. **Sale of Assets.** Seller, for valuable consideration, including without limitation, a cash payment of        (the "Purchase Price"), the receipt of which is hereby acknowledged, hereby sells, conveys, assigns, transfers, grants and conveys to Purchaser all right, title and interest in and to the patents set forth on Schedule A (the "Assets") unto Purchaser, his successors and assigns, forever

2. **Ownership of Assets.** Seller hereby covenants and agrees that it is the lawful owner of the Assets and that it has the right to sell the Assets, and pursuant to an order of the Bankruptcy Court presiding in Seller's Bankruptcy Case, the Assets are transferred to Purchaser free and clear of all liens, claims and encumbrances, except those specifically enumerated.

3. **Further Assurances.** Seller hereby agrees that it will, from time to time, execute and deliver such further instruments of assignment and transfer as may be reasonably requested by Purchaser to implement and effectuate this Bill of Sale and the assignment and transfer of the Assets so long as the bankruptcy case remains open.

4. **Governing Law.** This Bill of Sale shall be construed in accordance with and governed by the laws of the State of Washington.

IN WITNESS WHEREOF, the parties have caused this Bill for Sale to be executed effective as of this 31th day of March 2006.

**SELLER:**

By: Rich Barber  
Name: Richard Barber  
Title: Plan Representative

**PURCHASER:**

Mark E. Phillips  
Mark E. Phillips

IN WITNESS WHEREOF, Assignor has executed and delivered this instrument to Assignee effective the 21 th day of April, 2006.

ASSIGNOR: FULLPLAY MEDIA SYSTEMS

Today's

Date: \_\_\_\_\_

By:

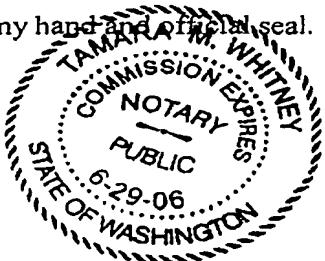
  
Richard Barber, Plan Representative

State of Washington

County of King

On 4/3/06 before me, TAMARA M. WHITNEY, Notary Public, personally appeared Richard Barber, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.



  
Tamara M. Whitney  
Notary Public  
Commission Expires: 6/29/06

**EXHIBIT A**  
**"Assigned Patent Properties"**

| Patent Application No.<br>Publication No. | Country<br>Title  | Filing Date<br>Publication Date    |
|---|---|------------------------------------|
| 09/975,748<br>2002/0045960 A1             | US<br>System and method for musical playlist selection in a portable audio device                             | October 10, 2001<br>April 18, 2002 |
| 09/975,749<br>2002/0045961 A1             | US<br>System and method for data transfer optimization in a portable audio device                             | October 10, 2001<br>April 18, 2002 |
| 09/975,736<br>2002/0046315 A1             | US<br>System and method for mapping interface functionality to codec functionality in a portable audio device | October 10, 2001<br>April 18, 2002 |
| 10/039,906                                |   |                                    |

**COPY**



**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

JULY 06, 2006

PTAS



\*103238844A\*

OLYMPIC PATENT WORKS PLLC  
ROBERT W. BERGSTROM  
SUITE 750  
401 SECOND AVE. SOUTH  
SEATTLE, WA 98104

**UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 05/09/2006

REEL/FRAME: 017884/0537  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:  
FULLPLAY MEDIA SYSTEMS, INC.

DOC DATE: 03/30/2006

ASSIGNEE:  
MARK E. PHILLIPS  
720 - 3RD AVE.  
SUITE 1100  
SEATTLE, WASHINGTON 98104

SERIAL NUMBER: 09975749  
PATENT NUMBER:  
TITLE: SYSTEM AND METHOD FOR DATA TRANSFER OPTIMIZATION IN A PORTABLE  
AUDIO DEVICE

FILING DATE: 10/10/2001  
ISSUE DATE:

MARCUS KIRK, EXAMINER  
ASSIGNMENT SERVICES BRANCH  
PUBLIC RECORDS DIVISION

MAY 09 2006

5-15-2006



103238844

2 SHEET

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Y

To the Honorable Commissioner of Patents and Trademarks. Please \_\_\_\_\_ the attached original document or copy thereof.

## 1. Name of conveying party:

- 1) FULLPLAY MEDIA SYSTEMS, INC.  
 2)  
 3)  
 4)  
 5)  
 6)
- 5-9-06*

Additional names of conveying parties attached?  Yes  No

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09/975,749

## B. Patent No.

Additional numbers attached?  Yes  No5. Name and address of party to whom correspondence  
concerning document should be mailed:6. Total number of applications and  
patents involved..... 1Name: OLYMPIC PATENT WORKS PLLC7. Total Fee (37 CFR 3.41): ..... \$40Internal Address: ROBERT W. BERGSTROM EnclosedSUITE 750 Authorized to be charged to deposit accountStreet Address: 401 SECOND AVE. SOUTH8. Deposit account number: 50-2976City: SEATTLE State: WA ZIP: 98104

DO NOT USE THIS SPACE

## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a  
true copy of the original document.*ROBERT W. BERGSTROM  
Name of Person SigningRobert Bergstrom  
Signature

MAY 4, 2006

Date

Total number of pages including cover sheet, attachments, and document: 405/12/2006 NY/AM/1  
01 FT/AM/21